

## ORDINANCE NO. 1590

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON,** relating to the monthly and seasonal monthly moorage rates for general berths, and dry shed storage at the Des Moines Marina, amending DMMC 15.04.480, establishing a uniform rate structure for Marina charges and fees effective February 1, 2014 and a formula to determine future rates in order to successfully maintain and operate the Des Moines Marina and implement the Marina Master Plan.

**WHEREAS,** in 2007 the Des Moines City Council adopted the recommendations of a Marina Moorage Rate Study performed by BST Associates to be phased in over a three year period ending in 2009 to set the ` Moorage rates, and

**WHEREAS,** in September of 2009, Marina staff requested that BST Associates update the Moorage Rate Comparison Table from the original 2007 rate study, and

**WHEREAS,** the Des Moines City Council finds that establishing a uniform moorage rate structure facilitates equitable recovery of costs of operating and maintaining the Des Moines Marina, and

**WHEREAS,** the Des Moines City Council finds that costs of operating the Des Moines Marina are related to the Consumer Price Index, U.S. City Average, All Urban Consumers, Seattle-Tacoma-Bremerton, Washington Area, and that the interests of Des Moines' residents and Marina tenants will be best served by a rate structure that is related to the Consumer Price Index, and

**WHEREAS,** the Des Moines City Council believes that the successful execution of the Marina Master Plan adopted by Resolution No. 906 on June 8, 2001, and subsequently amended by Resolution No. 1039 on May 10, 2007, depends on a stable and predictable rate structure, and

**WHEREAS,** the Des Moines City Council further finds that it should reserve the right to modify moorage rates by resolution if fiscal and economic conditions require it to do so; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** DMMC 15.04.480 and section 6(B) of Ordinance No. 466 as amended by section 1 of Ordinance No. 812 as amended by section 1 of Ordinance No. 1172 as amended by section 1 of Ordinance No. 1250 as amended by section 1 of Ordinance No. 1294 as amended by section 1 of Ordinance No. 1318 as amended by section 1 of Ordinance No. 1472 as amended by section 1 of Ordinance No. 1503 are each amended to read as follows:

**15.04.480 Marina charges and fees.**

(1) Monthly moorage rates for all slips, seasonal monthly moorage rates for the 20-, 24- and 28-foot slips, both open and covered and pre-payment rates, both annual and seasonal for the 20- and 24-foot slips and seasonal monthly moorage rates for the 20-, 24- and 28-foot slips, both open and covered, shall be established on the basis of the lineal footage of the berth, whether the berth is open or covered. Overhang shall be prorated and any portion of a foot shall be considered a full foot. Dry shed storage rates for a boat of appropriate size and boating accessories shall be set in a standard monthly amount. Dry Shed rates for storage of non-boating related items, household goods and the like, without a boat of appropriate size will be set at two (2) times the rate for boat storage.

(a) The pre-payment discount for annual moorage in the 20 and 24 foot slips, both open and covered is 25%, subject to the conditions set forth in the City of Des Moines Marina Rules and Regulations.

(b) The pre-payment discount for seasonal moorage in the 20, 24, and 28 foot moorages, both open and covered is set at 15%, subject to the

conditions set forth in the City of Des Moines Marina Rules and Regulations.

(c) Rates for all other goods and services shall be established by executive order of the city manager and published at the office of the Marina. Charges for continuing services and moorage fees are payable in advance and due on or before the tenth day of each month.

(2) Seasonal moorage rates for 20-, 24- and 28-foot slips at the Des Moines Marina will apply for new tenants signing moorage agreements after March 31st of any year and shall continue through October 31st of that year, at which time the rates shall revert to the regular posted rate and remain at that rate as long as the tenant retains their moorage.

(3) Effective February 1, 2014, annual moorage rates for 20- and 24-foot slips will apply for any new or current tenant in those moorages that pays for one year's (12 months) moorage in advance. The moorage rate for annual tenants that terminate their moorage before the end of the 12-month period will be recalculated at the monthly rate before the balance, if any, is refunded.

(4) The baseline for rates for general moorage berths, seasonal rates in the 20-, 24-, and 28-foot slips, annual rates for the 20- and 24-foot moorages, and dry shed storage shall be as reflected on Appendix "A"\* of the ordinance codified in this section which is incorporated herein by this reference. The baseline rates contained in Appendix "A" shall take effect February 1, 2014.

(5) Persons using the Marina facilities shall pay in full all applicable state and federal taxes imposed by statute including the State Leasehold Excise Tax (chapter 82.29A RCW) as adopted by the city in Ordinance No. 387, passed by the city council April 15, 1976, and codified in chapter 3.72 DMMC as presently constituted or as may be subsequently amended.

(6) Persons using the Marina facilities shall pay for all electricity and other utilities or services which shall be furnished to their berth at the established rates provided by the applicable schedule of rates posted by the City.

(7) Formula to Establish Future Rates. The baseline for rates for general moorage, annual moorage, and seasonal moorage in the 20-, 24- and 28-foot slips and dry shed storage shall be the rates contained in Appendix "A" of the ordinance codified in this section.\* These rates will be used to calculate total moorage due as set forth in Marina Rules 6.0, 6.2 and 6.3 on February 1, 2014. On the first day of February of each succeeding year, rates for general moorage berths and dry shed storage shall be established by application of the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, Washington area, for the preceding 12-month period ending August 31st, published by the U.S. Department of Labor, Bureau of Labor Statistics (hereinafter, "CPI"). Rates to be effective on February 1, 2015, shall be established by multiplying the baseline rates contained in this section by the CPI percentage published for the period ending August 31, 2014, and adding the results to the baseline rate. In no event shall the amount added to the baseline rates be less than zero. Rates effective on the first day of February of each succeeding year shall be established by applying the CPI in a like manner to the rates of the previous year

**Sec. 2 Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

**Sec. 3 Effective date.** This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

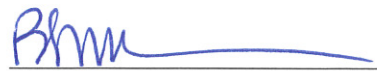
**PASSED BY** the City Council of the City of Des Moines this 5th day of December, 2013 and signed in authentication thereof this 5th day of December, 2013.

  
M A Y O R

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: December 10, 2013

## Appendix "A"

### Ordinance No. 1590

Effective February 1, 2014, the following baseline rates, exclusive of any applicable tax, shall be charged for facilities and services at the Des Moines Marina:

#### A. General Moorage Rates

Per lineal foot per month. Total monthly moorage charges are calculated by the method described in Rule No. 6.2 and Rule No. 8.0 found in the City of Des Moines Marina - Rules and Regulations handbook.

SLIP SIZE	OPEN	COVERED
20 Foot	\$6.08	\$7.56
24 Foot	\$6.81	\$8.67
28 Foot	\$7.07	\$9.39
32 Foot	\$7.72	\$10.00
36 Foot	\$8.19	\$11.39
40 Foot	\$8.75	\$12.08
50 Foot	\$9.88	\$14.17
54 Foot	\$9.88	N/A
62 Foot	\$10.18	N/A

#### B. Seasonal Moorage Rates

Per lineal foot per month. Total monthly moorage charges are calculated by the method described in Rule No. 6.2 and Rule No. 8.0 found in the City of Des Moines Marina - Rules and Regulations handbook.

SLIP SIZE	OPEN	COVERED
20 Foot	\$8.89	\$11.10
24 Foot	\$9.92	\$12.57
28 Foot	\$9.92	\$12.57

### **C. Prepayment Rates**

Per lineal foot per month. Total monthly moorage charges are calculated by the method described in Rule No. 6.2 and Rule No. 8.0 found in the City of Des Moines Marina - Rules and Regulations handbook.

#### **Prepaid Annual Rates - (12 month minimum)**

<b>SLIP SIZE</b>	<b>OPEN</b>	<b>COVERED</b>
20	\$4.56	\$5.67
24	\$5.11	\$6.50

Moorage rates for tenants that terminate before the end of the 12 month minimum period will revert to the monthly rates posted in A. General Moorage Rates.

#### **Prepaid Seasonal Rates - (5 month minimum)**

<b>SLIP SIZE</b>	<b>OPEN</b>	<b>COVERED</b>
20	\$7.56	\$9.44
24	\$8.43	\$10.68
28	\$8.43	\$10.68

Moorage rates for seasonal tenants that terminate before the end of the 5 month minimum period will revert to the monthly rates posted in B. Seasonal Moorage Rates.

**D.** Overhang shall be pro-rated. Any portion of a foot shall be considered a full foot.

**E.** The Dry Shed Storage baseline rate shall be \$200.00 per month, as of February 1, 2014. The Dry Shed Storage Baseline rate for sheds used to store exclusively non-boating related items or household goods without a boat of appropriate size shall be \$400.00 per month, as of February 1, 2014. (The appropriate use for the Dry Sheds is described in Rule 7.2 of the City of Des Moines Marina Rules and Regulations.)

**F.** Rates for all other goods and services shall be as established by executive order of the City Manager and published at the office of the Des Moines Marina.

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1590, Adopted December 5, 2013.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the monthly and seasonal monthly moorage rates for general berths, and dry shed storage at the Des Moines Marina, amends DMMC 15.04.480, establishing a uniform rate structure for Marina charges and fees effective February 1, 2014 and a formula to determine future rates in order to successfully maintain and operate the Des Moines Marina and implement the Marina Master Plan.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins  
City Clerk

Published: December 10, 2013